

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1394 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

BALKRISHNA N CHOKSI

Versus

STATE OF GUJARAT

Appearance:

MR SV RAJU for Petitioner

MR HV CHHATRAPATI for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/07/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the parties. It is not in dispute that the petitioner was never been allotted quarter in H, L or K Colonies in Ahmedabad. The petitioner, in the month of September, 1964, was allotted

quarter in E colony, Block No.5/20. In September, 1979, he was allotted quarter in Block No.P/2 in Ten Bungalows. He continued to possess that quarter till 28th April, 1981 on which date he was allotted the present quarter, namely No.P/10 in Ten Bungalows, Gulbai Tekra, Ahmedabad. The petitioner, on attaining the age of superannuation retired on 31st August, 1987. This petition has been filed by petitioner in the year 1989, i.e. after more than two years of his retirement. Earlier, the petitioner filed Civil Application No.871 of 1988 in Special Civil Application No.3422 of 1986, but that civil application was withdrawn and then this special civil application has been filed.

#. I fail to see any legal or fundamental right of the petitioner to be enforced against the State of Gujarat to give him house on hire purchase agreement. It is not the case where any of the persons belonging to the category, i.e. holding quarter in the area in which the petitioner is holding the quarter, has been given the same on hire purchase basis by the Government. The persons who were holding quarters in H, L or K, colonies stand on different footing. Even if it is taken to be genuine circumstances, it will not be taken to be a case of violation of Article 14 of the Constitution of India. It is unfortunate that though the petitioner retired from services, still he is occupying the quarter. Interim relief has been granted in favour of petitioner on 29.4.91 but till that date, retention of the quarter by petitioner is wholly illegal and arbitrary. The matter is squarely covered by decision of this court in the case of N.K.Parmar & Ors. v. State of Gujarat & Ors., reported in 1992(2) GLR 1508. That decision has also been confirmed by the Hon'ble Supreme Court.

#. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief earlier granted stands vacated. The petitioner is directed to vacate the quarter within a period of one month from the date of receipt of writ of this order or certified copy thereof, whichever is earlier.

(S.K.Keshote, J.)

(sunil)